

Senate Concurrent Resolution 5 - Introduced

SENATE CONCURRENT RESOLUTION NO. 5

BY BOLKCOM

1 A Concurrent Resolution urging the United States
2 Congress to modernize the Toxic Substances Control
3 Act of 1976.

4 WHEREAS, children and developing fetuses are
5 uniquely vulnerable to the health threats of toxic
6 chemicals and early-life chemical exposures have been
7 linked to chronic disease later in life; and

8 WHEREAS, a growing body of peer-reviewed scientific
9 evidence links exposure to toxic chemicals to many
10 diseases and health conditions that are rising in
11 incidence including childhood cancers, prostate cancer,
12 breast cancer, learning and developmental disabilities,
13 infertility, and obesity; and

14 WHEREAS, the President's Cancer Panel report
15 released in May 2010 stated "the true burden of
16 environmentally induced cancers has been grossly
17 underestimated" and advised the President "to use
18 the power of your office to remove the carcinogens
19 and other toxins from our food, water, and air that
20 needlessly increase health care costs, cripple
21 our nation's productivity, and devastate American
22 lives"; and

23 WHEREAS, workers in a range of industries are
24 exposed to toxic chemicals which pose threats to
25 their health, increasing worker absenteeism, workers'
26 compensation claims, and health care costs that burden
27 the economy; and

28 WHEREAS, a recent national poll found that 78

1 percent of likely American voters were seriously
2 concerned about the threat to children's health from
3 exposure to toxic chemicals in day-to-day life; and

4 WHEREAS, states bear an undue burden from
5 toxic chemicals, including health care costs and
6 environmental damages, disadvantaging businesses that
7 lack information on chemicals in their supply chain and
8 increasing demands for state regulation; and

9 WHEREAS, the primary governing federal statute,
10 the Toxic Substances Control Act of 1976 (TSCA), was
11 intended to authorize the United States Environmental
12 Protection Agency (EPA) to protect public health and
13 the environment from toxic chemicals; and

14 WHEREAS, when TSCA was passed about 62,000
15 chemicals in commerce were grandfathered in without any
16 required testing for health and safety hazards or any
17 restrictions on usage; and

18 WHEREAS, in the 35 years since TSCA passed, the EPA
19 has required chemical companies to test only about 200
20 of those chemicals for health hazards and has issued
21 partial restrictions on only five chemicals; and

22 WHEREAS, TSCA has been widely recognized as
23 ineffective and obsolete due to legal and procedural
24 hurdles that prevent the EPA from taking quick and
25 effective regulatory action to protect the public
26 against well-known chemical threats; and

27 WHEREAS, in January 2009, the United States General
28 Accounting Office added the EPA's regulatory program
29 for assessing and controlling toxic chemicals to its
30 list of high-risk government programs that are not

1 working as intended, finding that the EPA has been
2 unable to complete assessments even of chemicals of
3 highest concern; that the EPA requires additional
4 authority to obtain health and human safety information
5 from the chemical industry and to shift more of the
6 burden to chemical companies to demonstrate the safety
7 of their products; and that the TSCA does not provide
8 sufficient chemical safety data for public use by
9 consumers, businesses, and workers, and fails to create
10 incentives to develop safer alternatives; and

11 WHEREAS, the National Conference of State
12 Legislatures unanimously adopted a resolution in July
13 2009 that articulated principles for TSCA reform and
14 called on Congress to act to update the law; and

15 WHEREAS, ten states have come together to launch
16 the Interstate Chemicals Clearinghouse to coordinate
17 state chemical information management programs, and a
18 coalition of 13 states issued guiding principles for
19 TSCA reform; and

20 WHEREAS, 71 state laws on chemical safety have been
21 enacted and signed into law in 18 states with broad
22 bipartisan support over the last eight years; and

23 WHEREAS, state policy leadership on chemical
24 management, although outstanding, cannot substitute for
25 Congressional leadership to reform TSCA, a reform which
26 all parties agree is urgently needed; and

27 WHEREAS, TSCA is the only major federal
28 environmental statute that has never been updated or
29 reauthorized; and

30 WHEREAS, legislation to substantially reform TSCA

1 was introduced during the 109th Congress in 2005, the
2 110th Congress in 2008, and again in the 111th Congress
3 in 2010; NOW THEREFORE,

4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
5 REPRESENTATIVES CONCURRING, That the Iowa General
6 Assembly encourages the 112th Congress to enact
7 federal legislation to modernize the TSCA to strengthen
8 chemicals management through policy reforms; and

9 BE IT FURTHER RESOLVED, That the policy reforms
10 should require chemical manufacturers to prove
11 that all existing and new chemicals are not harmful
12 to human health, and provide essential health and
13 safety information on chemicals to inform the market,
14 consumers, and general public; and

15 BE IT FURTHER RESOLVED, That the policy reforms
16 should require immediate action to reduce or
17 eliminate the worst chemicals, including persistent,
18 bioaccumulative, and toxic chemicals and other
19 priority toxics to which there is already widespread
20 exposure; and

21 BE IT FURTHER RESOLVED, That the policy reforms
22 should preserve the authority of state and tribal
23 governments to operate chemicals management programs
24 that are more protective than the federal programs; and

25 BE IT FURTHER RESOLVED, That the policy reforms
26 should establish health safety standards for chemicals
27 that rely on the best available science to protect
28 the most vulnerable among us, such as children and
29 developing fetuses; and

30 BE IT FURTHER RESOLVED, That the policy reforms

1 should reward innovation by fast-tracking approval of
2 new, demonstratively safer chemicals, and invest in
3 green chemistry research and workforce development to
4 boost American business and spur jobs making safer
5 alternatives; and

6 BE IT FURTHER RESOLVED, That the policy reforms
7 should promote environmental justice by developing
8 action plans to reduce disproportionate exposure to
9 toxic chemicals in hot spot communities; and

10 BE IT FURTHER RESOLVED, That the Chief Clerk of the
11 House and the Secretary of the Senate shall forward
12 copies of this resolution to all members of Iowa's
13 Congressional delegation.